

REMARKS

Claims 21 to 41 have been added, and therefore claims 1, 2, and 21 to 41 are pending and considered in the present application (since claims 3 to 20 were previously withdrawn in response to a restriction requirement and later canceled).

In view of the following, it is respectfully submitted that the presently pending and considered claims are allowable, and reconsideration is respectfully requested.

With respect to Applicants' claim for foreign priority, certified copies of German Patent Application No. 10314984.8 and German Patent Application No. 102004010498.0 were filed on November 7, 2008.

As to the objection to claim 2, while the objection may not be agreed with, to facilitate matters, claim 2 has been rewritten without prejudice to change the text of "the coating" to --the outer functional layer of the coating--, thereby obviating the objection. Approval and entry are respectfully requested, as is withdrawal of the objection.

Claims 1 to 2 were rejected under 35 U.S.C. § 102(b) as anticipated by German Published Application No. 100 18 143 ("Massler I").

While the rejections may not be agreed with, to facilitate matters, claim 1 has been rewritten without prejudice to better clarify its claimed subject matter. In particular, claim 1, as presented, relates to a pump device, including: at least one of: i) a piston and ii) sealing elements to seal the pump piston, the at least one of the pump piston and sealing elements having a coating containing at least one of i) halogen-, ii) silicon-, iii) carbon-containing, and iv) metal-organic monomers; the coating including: an inner adhesive layer including one of a) chromium, and b) silicon; at least one intermediate layer including one of a) chromium, b) tungsten, c) silicon, and d) carbon; and one of a) an outer, metal-free functional layer of diamond-like carbon (DLC), and b) an outer, metal-containing functional layer including tungsten carbide, in which one of the piston and the sealing elements is made of metal, and an other of the piston and the sealing elements is made of an elastomeric material. Support for the emphasized features may be found, for example, in the Specification at page 2, lines 20 to 23; page 3, lines 30 to 33; page 4, line 32 to page 5, line 20; and page 5, lines 27 to 30.

It is believed and respectfully submitted that the Massler I reference does not identically disclose (or even suggest) all of the features of claim 1, as presented. United States Patent No. 7,160,616 ("Massler II") (which issued from the U.S. National Stage of

PCT Application No. PCT/EP00/13299, and which claims priority from Massler I -- and therefore nominally corresponds to Massler I) refers to a layer system that includes an adhesion layer arranged on a substrate, a transition layer arranged on the adhesion layer and a covering layer of diamond-like carbon. The Massler I reference therefore does not identically disclose (or even suggest) the features of one of the piston and sealing elements being made of metal, and another of the piston and sealing elements being made of an elastomeric material, in which at least one of the piston and sealing elements includes a coating, as provided for in the context of claim 1, as presented.

Instead, the Massler references merely refers to depositing its layer system on a steel metal component. (see Massler II, col. 1, lines 19 to 29; col. 6, lines 3 to 10; and col. 8, lines 5 to 19). Moreover, the Massler references refer to applying a biasing voltage to the substrate, which further indicates only a metal, conductive component as a substrate. (Massler II, col. 10, lines 10 to 18; col. 12, lines 31 to 36; col. 13, lines 64 to 65; and col. 14, lines 27 to 33).

Accordingly, the Massler I reference does not identically disclose (or even suggest) the features of *at least one of the pump piston and sealing elements having a coating, in which one of the piston and the sealing elements is made of metal, and another of the piston and the sealing elements is made of an elastomeric material*, as provided for in the context of claim 1, as presented.

Accordingly, claim 1, as presented, is allowable, as are its dependent claim 2 (as well as new dependent claims 21 to 41, as explained below).

In view of all of the foregoing, withdrawal of the anticipation rejections is respectfully requested.

New claims 21 to 41 do not add new matter and are supported by the present application (see, e.g., Specification at page 2, lines 20 to 23; page 3, lines 30 to 33; page 4, line 32 to page 5, line 20; page 5, lines 27 to 30; and page 20, lines 18 to 35). Claims 21 to 41 depend from claim 1, as presented, and are therefore allowable for the same reasons.

Accordingly, claims 1, 2 and 21 to 41 are allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending and considered claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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